

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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TWENTY-NINTH LEGISLATIVE DAY  
MONDAY, FEBRUARY 8, 2016

House of Representatives

The House convened at 11 a.m., Mr. Moyle in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Emily Anderson, Page.

### 3RD ORDER

#### Approval of Journal

February 8, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-sixth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

### 4TH ORDER

#### Consideration of Messages from the Governor and the Senate

February 5, 2016

Mr. Speaker:

I return herewith enrolled [H 363](#) and [H 364](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 363](#) and [H 364](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 5, 2016

Mr. Speaker:

I transmit herewith [SCR 132](#), [S 1229](#), [S 1233](#), [S 1202](#), [S 1208](#), and [S 1211](#) which have passed the Senate.

NOVAK, Secretary

[SCR 132](#), [S 1229](#), [S 1233](#), [S 1202](#), [S 1208](#), and [S 1211](#) were filed for first reading.

### 5TH ORDER

#### Report of Standing Committees

February 8, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 32](#), [H 443](#), [H 444](#), [H 445](#), [H 446](#), and [H 447](#).

WILLS, Chairman

[HCR 32](#), [H 445](#), and [H 446](#) were filed for second reading.

[H 443](#) was referred to the Local Government Committee.

[H 444](#) was referred to the Transportation and Defense Committee.

[H 447](#) was referred to the State Affairs Committee.

February 8, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 342](#) and [H 349](#) to the Governor at 11:30 a.m., as of this date, February 5, 2016.

WILLS, Chairman

February 5, 2016

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 432](#) and recommend that it do pass.

BARBIERI, Chairman

[H 432](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### 7TH ORDER

#### Motions, Memorials, and Resolutions

[SCR 132](#), by Martin, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

### 8TH ORDER

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 448

#### BY REVENUE AND TAXATION COMMITTEE

#### AN ACT

RELATING TO TAXING DISTRICT BUDGETS; AMENDING SECTION 63-802, IDAHO CODE, TO REQUIRE NOTICE, A PUBLIC HEARING AND A RESOLUTION WITH CERTAIN INFORMATION BEFORE A TAXING DISTRICT MAY BUDGET A FORGONE INCREASE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-802, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 10, LAWS OF 2015, TO REQUIRE NOTICE, A PUBLIC HEARING AND A RESOLUTION WITH CERTAIN INFORMATION BEFORE A TAXING DISTRICT MAY BUDGET A FORGONE INCREASE AND TO MAKE TECHNICAL CORRECTIONS; AND TO PROVIDE EFFECTIVE DATES.

**HOUSE BILL NO. 449**  
**BY REVENUE AND TAXATION COMMITTEE**  
**AN ACT**

RELATING TO SALES TAX; AMENDING SECTION 63-3622K, IDAHO CODE, TO ADD SALES OF FOOD PRODUCTS BY CERTAIN GIRL SCOUT OR BOY SCOUT ORGANIZATIONS TO THE DEFINITION OF "OCCASIONAL SALES" EXEMPT FROM SALES TAX AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 448](#) and [H 449](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1229](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1233](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

[S 1202](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

[S 1208](#), by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

[S 1211](#), by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**10TH ORDER**  
**Second Reading of Bills and Joint Resolutions**

[H 374](#) and [H 375](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 405](#), by Local Government Committee, was read the second time by title and filed for third reading.

[H 381](#), [H 382](#), and [H 417](#), by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

[H 389](#) and [H 390](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 428](#), by Education Committee, was read the second time by title and filed for third reading.

[S 1210](#), by Education Committee, was read the second time by title and filed for third reading.

**11TH ORDER**  
**Third Reading of Bills and Joint Resolutions**

Mr. Crane asked unanimous consent that [HCR 30](#) retain its place on the Third Reading Calendar until Monday, February 15, 2016. There being no objection, it was so ordered.

**[H 436](#) - IDAHO DAY**

[H 436](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bateman to open debate.

The question being, "Shall [H 436](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood. Total – 69.

NAYS – None.

Absent – Mr. Speaker. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 436](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**[HCR 31](#) - MUSIC EDUCATION**

[HCR 31](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. McCrostie to open debate.

The question being, "Shall [HCR 31](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood. Total – 69.

NAYS – None.

Absent – Mr. Speaker. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared [HCR 31](#) adopted and ordered the resolution transmitted to the Senate.

**[H 367](#) - MORTICIANS**

[H 367](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Clow to open debate.

The question being, "Shall [H 367](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye,

Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood. Total – 69.

NAYS – None.

Absent – Mr. Speaker. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 367](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 368](#) - REAL ESTATE APPRAISERS

[H 368](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Anderst to open debate.

The question being, "Shall [H 368](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood. Total – 69.

NAYS – None.

Absent – Mr. Speaker. Total – 1.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 368](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 369](#) - FUNERAL AND CEMETERY MERCHANDISE AND SERVICES

[H 369](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Clow to open debate.

The question being, "Shall [H 369](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker Pro Tem declared that [H 369](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Crane asked unanimous consent that [H 370](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

There being no objection, the House returned to the Fourth Order of Business.

### 4TH ORDER Consideration of Messages from the Governor and the Senate

February 8, 2016

Mr. Speaker:

I return herewith [H 425](#) which has passed the Senate.

NOVAK, Secretary

[H 425](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

### 5TH ORDER Report of Standing Committees

February 8, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 425](#).

WILLS, Chairman

The Speaker Pro Tem announced the Speaker was about to sign enrolled [H 425](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Eleventh Order of Business.

### 11TH ORDER Third Reading of Bills and Joint Resolutions

#### [H 385](#) - MOTOR VEHICLES

[H 385](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Chaney and Mr. Youngblood to open debate.

The question being, "Shall [H 385](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker Pro Tem declared that [H 385](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 396 - EMPLOYMENT SECURITY LAW**

**H 396** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Rudolph to open debate.

The question being, "Shall **H 396** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker Pro Tem declared that **H 396** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 397 - EMPLOYMENT SECURITY LAW**

**H 397** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Packer to open debate.

The question being, "Shall **H 397** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker Pro Tem declared that **H 397** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 357 - STEM ACTION CENTER**

**H 357** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. DeMordaunt to open debate.

The question being, "Shall **H 357** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins,

Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – Barbieri, Batt, McMillan, Scott. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that **H 357** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Crane asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House returned to the Fourth Order of Business.

**4TH ORDER****Consideration of Messages from the Governor and the Senate**

February 8, 2016

Mr. Speaker:

I return herewith enrolled **H 425** which has been signed by the President.

NOVAK, Secretary

Enrolled **H 425** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER****Announcements**

Announcements were made to the body.

**16TH ORDER****Adjournment**

Mr. Crane moved that the House adjourn until 11 a.m., Tuesday, February 9, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 12:05 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk